

from the Governor with the following message:

Executive Office,
Austin, Texas, Sept. 29, 1936.
To the Senate of the Forty-fourth Legislature, in Third Called Session:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be notaries public in and for Harris County, Texas: Lemar Ramel, Houston, Texas; E. Jared Gann, Houston, Texas.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

Read and referred to Committee on Governor's Nominations.

Joint Session.

At 10:05 a. m., the Chair announced that the hour set for the joint session had arrived. The Senate repaired to the House.

In the House.

The Senate, escorted by Bob Barker, Secretary of the Senate, and A. W. Holt, Sergeant-at-Arms, appeared at the bar of the House, and being duly admitted, were escorted to seats prepared for them.

President Pro Tempore Roy Sanderford occupied a seat on the Speaker's stand.

The Hon. Coke R. Stevenson called the House to order.

President Pro Tempore Roy Sanderford called the Senate to order.

Speaker Stevenson then introduced Honorable James V. Allred, Governor of Texas, who presented Mr. Paul Whiteman.

Mr. Whiteman addressed the Legislature, and then presented several members of his orchestra. Mr. Whiteman invited the Legislature to attend a concert at Hogg Memorial Auditorium at 12 o'clock.

The invitation was accepted.

Senate Called to Order.

President Pro Tempore Roy Sanderford called the Senate to order at 10:35 o'clock a. m.

Senators Excused.

Senator DeBerry was excused on account of illness.

Senator Stone was excused on account of important business.

Senator Sulak was excused on account of illness.

Senator Fellbaum was excused on account of illness.

Adjournment.

On motion of Senator Woodruff, the Senate adjourned until 10 o'clock a. m. Thursday.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, Sept. 30, 1936.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 2 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Report.

Committee Room,

Austin, Texas, Sept. 30, 1936.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. C. R. No. 2,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

COTTEN, Chairman.

FOURTH DAY.

Senate Chamber,

Austin, Texas,

October 1, 1936.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hornsby.	Stone.
Isbell.	Van Zandt.
Martin.	Weinert.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum.	Sulak.
Rawlings.	

Prayer by the Rev. H. M. Ratliff.
Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Neal.

Committee Reports.

(See Appendix.)

Petitions.

The Chair laid before the Senate, petitions from the County Commissioners' Court of Harris County and the South Texas County Judges' and Commissioners' Association.

Senator Collie moved that the petitions be printed in the Journal.

Senator Van Zandt moved that the petitions be referred to the Board of Control.

Senator Holbrook moved to amend the substitute motion by changing the wording of the motion to read that they be received and filed.

Motion prevailed, as amended.

Votes Recorded.

Senators Moore and Collie received unanimous consent to be recorded as voting "No" on the motion and the amended substitute motion.

Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, October 1, 1936.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 1, A bill to be entitled "An Act making an appropriation of the sum of One Hundred Fifty Thousand Dollars (\$150,000.00), or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay contingent expenses, mileage and per diem of members and per diem of officers and employees of the Third Called Session of the Forty-fourth Legislature, and of the previous sessions of said Legislature, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bills and Resolutions.

Senate Bill No. 3.

By Senator Hill:

S. B. No. 3, A bill to be entitled "An Act to validate, ratify, approve, confirm, and declare enforceable all levies and assessments of ad valorem taxes heretofore made by independent school districts in this State not in excess of the limit now provided by law, which are void or unenforceable because the same were made and adopted by resolution, motion, or other informal action, and because of the failure of the governing body of such districts to appoint the proper and statutory Board of Equalization; and which are insufficient and void, or unenforceable on account of technical irregularities in the manner of preparing the books and reports of assessors assessing such property; and all equalizations of said valuations of such property for taxation purposes made by the Boards of Equalization acting for any such school districts, which are irregular or insufficient because the reports of such equalizations were adopted and accepted orally, or by other informal action; and the acts of making such equalization were made orally or informally, or in incomplete form; providing this Act shall not affect suits pending at the time same becomes effective; and providing further that this Act shall not validate any valuation placed upon property by any Board of Equalization or any tax assessor where such property has been valued in excess of its reasonable cash market value, or where such property has been discriminated against as to value or placed upon the rolls at a higher value than property of like kind and character, or at a greater percentage of its value than other property assessed for taxation, and declaring an emergency."

Read and referred to Committee on Education.

Senate Bill No. 4.

By Senator Nelson:

S. B. No. 4, A bill to be entitled "An Act repealing Article 7319 of the Revised Civil Statutes of 1925; repealing Acts of 1927, Fortieth Legislature, page 25, Chapter 20, Section 1, as amended by Acts of 1927, Fortieth Legislature, First Called

Session, page 195, Chapter 69, Section 1, Acts of 1927, Fortieth Legislature, First Called Session, page 195, Chapter 70, Section 1, and Acts of 1933, Forty-third Legislature, First Called Session, page 271, Chapter 98; amending Article 7320, Revised Civil Statutes of 1925, Chapter 10, providing a lien for taxes which have become delinquent since December 31, 1919, and forever barring taxes returned delinquent prior to that date; providing for certificates showing status of tax payments on property; amending Article 7323, Revised Civil Statutes of 1925, Chapter 10; amending Article 7324, Revised Civil Statutes 1925, as amended by Acts of 1931, Forty-second Legislature, page 196, Chapter 117, Section 1, providing for the preparation and mailing of delinquent tax notices showing the amount of delinquent taxes, penalty, interest and costs due; adding a new article numbered 7324-A, requiring a person employed by the commissioners' court or the assessor and collector of taxes to file a statement of all property on which delinquent taxes are due, providing that commissioners' court shall direct sheriff to sell such property, and providing for extension of time before sale in certain cases; adding a new article numbered 7324-B, prescribing the form of such statements, authorizing lien holders to file notice of lien; adding a new article numbered 7324-C, providing for the issuance by the sheriff of any county of final notice and citation to delinquent tax payers; adding a new article numbered 7324-D, providing for the sale of property on which taxes are delinquent, the execution of a tax deed and making same prima facie evidence of the power to sell; requiring tax rolls be prepared and approved by certain time; authorizing taxpayers to borrow money to pay taxes, the transfer of tax liens therefore, and making such liens eligible for investment; amending Article 7329, Revised Civil Statutes 1925, Chapter 10; adding a new article numbered 7329-A, providing for the institution of suit by the owner of any property sold for taxes under the provisions of this Act; amending Article 7283 as amended by Acts of 1933, Forty-third Legislature, First Called Session, page 91, Chapter 31, Section 1; providing for the

employment of a competent person to collect delinquent taxes due the county, State, and subdivisions; fixing his bond and compensation, providing for the cancellation of his contract, providing for proceedings for escheats, providing for the payment of money collected under the terms of this Act, providing for the adjustment of property valuation in certain cases; providing that the provisions of this Act shall be available to cities, towns, and other taxing subdivisions; providing for the installation of a "plat and ownership record"; providing for the removal of tax collectors from office upon wilful failure to carry out the provisions of this Act; containing a saving clause, making this Act cumulative and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read and referred to Committee on State Affairs.

Senator Woodruff moved the advance printing of S. B. No. 4.

The motion prevailed.

S. C. R. No. 4.

By Senator Poage:

Whereas, Some question has arisen as to the intention of the Legislature in the enactment of Chapter 13, Acts of 1932 of the Third Called Session of the Forty-second Legislature of Texas, and Chapter 136, Acts of 1933 of the Forty-third Legislature of Texas, Regular Session; and

Whereas, It was the intention of the Legislature that said Act should include all road bonds issued by any county, district, or precinct, within the State, whether said road bonds are eligible to participate in the county and road district highway fund; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That it was the intention of the Legislature in enacting said above named Acts to include within the provisions thereof all road bonds issued by any county, district, or precinct, within the State, whether or not said road bonds are eligible to participate in the county and road district highway fund, and that it was the intention of the Legislature to constitute the State Treasurer as ex-officio treasurer for said counties, districts, and precincts in the payment of all road bonds and to appropriate out of the treasury all

moneys deposited therein, or which may be hereafter deposited therein, by any county, road district, or precinct for the payment of principal or interest or both of any or all road bonds whether the same participate in said county and road district highway fund or not.

Read and referred to Committee on Highways and Motor Traffic.

S. C. R. No. 5.

By Senators Moore and Weinert:

S. C. R. No. 5, A resolution to grant E. A. Schlick; Mrs. Annie Beeson, feme sole; J. L. Baggett and wife, Mrs. J. L. Baggett; A. F. Schlick and wife, Mrs. A. F. Schlick; Ida Schlick, feme sole; A. C. Dubose and wife, Maggie DuBose; Alfred Mercer and wife, Martha Jane Mercer; J. F. Jurica and wife, Mrs. J. F. Jurica; C. W. Mason; Mrs. Nannie Smith, feme sole; and O. E. Wendel and wife, Annie Wendel, permission to sue the State of Texas and the State Highway Commission.

Read and referred to Committee on State Affairs.

Bill Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of the signing of S. B. No. 1, after the caption had been read.

S. C. R. No. 6.

By Senator Burns:

Whereas, On the 7th day of August, 1935, Tom S. Mann of Oakhurst, San Jacinto County, Texas, was an employee of the Texas Highway Department, and was working on State Highway No. 45 in San Jacinto County, Texas; and

Whereas, Said Tom S. Mann was following the orders of the foreman of said State Highway Department, Mr. T. O. Hoskins, and was actually in discharge of his duties cutting weeds along the sides of the Highway near Oakhurst, Texas, with a hand operated weed cutter on a sloping place beside said Highway No. 45, and while engaged and in discharge of said duties, the said Tom S. Mann slid and fell, striking his hand against the blade of said weed cutter; and

Whereas, The said Tom S. Mann received injuries severing all tendons and muscles in right hand which has caused permanent disability due to

nerve injury and to the palmar muscles; and

Whereas, The said Tom S. Mann has not been compensated by the State Highway Department for said injuries and has been compelled to expend large sums of money trying to cure and restore the use of said right hand; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the said Tom S. Mann be, and he is hereby granted permission to bring suit against the State of Texas and the State Highway Department in a court of competent jurisdiction in order to determine compensation for damages received, and the said State Highway Department is hereby directed, in the event a judgment is recovered in any court of competent jurisdiction, to pay said judgment out of any fund in said State Highway Department and that service of citation or the necessary process may be had upon the State of Texas by delivering a copy of the said pleading thereto to the Honorable Harry Hines, Chairman of the State Highway Commission of the State of Texas, as in other civil cases.

Read and referred to Committee on State Affairs.

S. C. R. No. 5.

The Chair laid before the Senate on its second reading the following resolution:

By Senator Moore:

S. C. R. No. 5, Granting to E. A. Schlick, et al., permission to sue the State and State Highway Department for damages.

Senator Moore moved that the rule requiring committee reports to lie on desks 24 hours be suspended.

The motion prevailed.

S. C. R. No. 5 was read and adopted by a viva voce vote.

Senate Resolution No. 3.

By Senator Woodruff:

Resolved by the Senate, Third Called Session of the Forty-fourth Legislature of the State of Texas, That Senators R. A. Weinert and E. Harold Beck each be furnished a copy of Vernon's Complete Texas Statutes, together with the Supplements thereto, expense thereof to be paid out of the Contingent Expense Fund of the Senate.

Read and adopted.

Senators Excused.

On motion of Senator Regan, Senator Rawlings was excused on account of important business.

On motion of Senator DeBerry, Senator Sulak was excused on account of illness.

Senator Fellbaum was excused on account of illness.

Adjournment.

On motion of Senator Holbrook, at 10:55 o'clock a. m., the Senate adjourned until 10 o'clock a. m., Friday.

APPENDIX.**Committee on Enrolled Bills.**

Committee Room,

Austin, Texas, October 1, 1936.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 1 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Report.

Committee Room,

Austin, Texas, October 1, 1936.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 5, To grant E. A. Schlick; Mrs. Annie Beeson, feme sole; J. L. Baggett and wife, Mrs. J. L. Baggett; A. F. Schlick and wife, Mrs. A. F. Schlick; Ida Schlick, feme sole; A. C. DuBose and wife, Maggie DuBose; Alfred Mercer and wife, Martha Jane Mercer; J. F. Jurica and wife; Mrs. J. F. Jurica; C. W. Mason; Mrs. Nannie Smith, feme sole; and O. E. Wendel and wife, Annie Wendel, permission to sue the State of Texas and the State Highway Commission.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BLACKERT, Chairman.

FIFTH DAY.

Senate Chamber,

Austin, Texas,

October 2, 1936.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Neal.
Blackert.	Nelson.
Burns.	Oneal.
Collie.	Poage.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hornsby.	Stone.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.	Sulak.
Pace.	Weinert
Rawlings.	

Prayer by Rev. W. J. Terrell.

Further reading of the Journal was dispensed with on motion of Senator Martin.

Committee Reports.

(See Appendix.)

Message From the Governor.

The Chair laid before the Senate a message from the Governor.

Executive Office,

Austin, Texas, Sept. 28, 1936.

To the Senate of the Forty-fourth Legislature, in Third Called Session:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Presiding Judge of the Third Administrative Judicial District of Texas: J. D. Moore, of Austin, Travis County, to succeed C. A. Wheeler, resigned.

To be State Auditor and Efficiency Expert: C. B. Sheffield, of Fort Worth, Tarrant County, to succeed Orville S. Carpenter, resigned.

To be State Banking Commissioner: Zeta Gossett, of Fort Worth, Tarrant County, to succeed Irvin McCreary, resigned.

To be a member of the State Board of Barbers' Examiners: G. Fred Turner, of Cooper, Delta County, to succeed N. J. Dartez, resigned.

To be chairman of the State Board of Control: Claude D. Teer, of Austin, Travis County (reappointment, 6 year term beginning December 31, 1935).

To be a member of the board of directors of the Brazos River Con-